



Office of Attorney General
Bill Lockyer

August 6, 2003

RECEIVED
MAY 1, 2003
SAC - CALIFORNIA

Hon. Patti B. Saris
United States District Judge
Courtroom #13-5th Floor
United States District Court, District of Massachusetts
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, Mass. 02210

110 West A Street
San Diego, CA
92101-3702

Information: (619) 688-6800
Facsimile: (619) 688-4200
Personal (619) 688-6099

RE: **MDL 1456-In re Pharmaceutical Industry Average Wholesale Price Litigation
State of California ex. rel. Ven-A-Care of the Florida Keys vs. Abbott Laboratories,
Inc., et. al., Dist. Court Mass. No. 03-11226, Central Dist. California, No. 03-CV-2238**

Dear Judge Saris:

This letter is to advise the Court that the above-entitled matter was transferred to your court from the Judicial Panel on Multidistrict Litigation (JPML) on June 23rd 2003 ("Order Lifting Stay of Conditional Transfer Order," No. 410 on the MDL 1456 docket).

There are two motions we are asking the Court to hear as soon as possible by the MDL court.

[1] The first is a motion for remand of the case to the California state court which our office and Relator's counsel¹ jointly filed on April 4, 2003 in the U.S. District Court, Central District of California. This remand motion has not yet been heard since the federal district court judge, Hon. Dean Pregerson, granted defendants' motion for a stay pending transfer of the case to the JPML and the MDL.

[2] The second motion we are asking this Court to hear was recently filed in the MDL on July 23, 2003 and is an application for an order from this Court remanding all defendants which remain under seal to California state court.

¹ This is a *qui tam* case filed under California's False Claims Act ("FCA") pursuant to California Government Code §12651 et. seq. The Relator in this case is Ven-A-Care of the Florida Keys ("Ven-A-Care") and they are co-plaintiffs with the State of California.

Hon. Patti B. Saris
United States District Judge
MDL 1456
August 6, 2003
Page 2

We respectfully request the court to schedule and hear these motions as soon as possible.

Sincerely,



William S. Schneider
Deputy Attorney General
Bureau of Medi-Cal Fraud and Elder Abuse

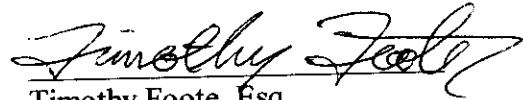
For BILL LOCKYER
 Attorney General

WSS:agl

cc: Thomas A. Temmerman, Sr. Asst. Attorney General
 Ven-A-Care Relators' Counsel
 Counsel for Abbott Laboratories and Wyeth, Inc.
 All Counsel on MDL Panel Service List (Served via Verilaw)

CERTIFICATE OF SERVICE

I hereby certify that I, Timothy Foote, an attorney, caused true and correct copy of the foregoing letter to Judge Patti B. Saris, from William S. Schneider, Deputy Attorney General for the State of California, dated August 6, 2003, to be served on counsel of record electronically, pursuant to Section E of the Case Management Order No. 2, this 7th day of August, 2003.



Timothy Foote, Esq.
Deputy Attorney General
Bureau of Medi-Cal Fraud and Elder Abuse